

REMARKS/ARGUMENTS

Applicant has received and carefully reviewed the Final Office Action mailed on September 25, 2009 and the Advisory Action mailed December 4, 2009. In the above-referenced Final Office Action, claims 1 and 3-63 are pending, with claims 3-5, 12-14, 21-22, 30-31, 38-39 and 44-63 previously withdrawn from consideration. Claims 1, 6-11, 15-20, 23-29, 32-37, and 40-43 have been rejected. After careful review, Applicant must respectfully traverse all assertions and rejections made in the Final Office Action. Favorable consideration of the following comments is respectfully requested.

Claim Rejections – 35 U.S.C. 102

In the Final Office Action, claims 10, 15-17, 28, 32-34, 36, and 40-42 were rejected under 35 U.S.C. 102(e) as being anticipated by Johansen et al. (U.S. Patent No. 7,303,533). After careful review, Applicant respectfully traverses the rejection. Applicant does not concede the correctness of the rejection, however in the interest of advancing prosecution, a declaration under 35 U.S.C. § 1.131 is filed herewith. The subject matter of the rejected claims was invented prior to the effective date of the Johansen et al. patent. Johansen et al. thus does not qualify as prior art. Filed with the declaration is a copy of the invention disclosure with only the dates redacted. Applicant submits the invention disclosure shows the inventor was in possession of the subject matter of the rejected claims prior to the effective filing date of Johansen et al. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections – 35 U.S.C. 103

Claims 1, 6-9, 11, 18, 29, 35, 37, and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johansen et al. (U.S. Patent No. 7,303,533). After careful review, Applicant respectfully traverses the rejections. As discussed above, Johansen et al. does not qualify as prior art. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 19, 20, and 23-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johansen et al. (U.S. Patent No. 7,303,533) in view of Erickson et al. (U.S. Patent No.

5,664,580). After careful review, Applicant respectfully traverses the rejection. As discussed above, Johansen et al. does not qualify as prior art. Erickson et al. do not appear to teach or suggest the elements of the claims. Reconsideration and withdrawal of the rejection are respectfully requested.

Withdrawn Claims

For at least the reasons set forth above, the examined claims, some of which are generic, are believed to be in condition for allowance. Applicant respectfully requests consideration of the withdrawn claims 3-5, 12-14, 21-22, 30-31, 38-39, and 44-63.

Conclusion

Further examination, reconsideration, and withdrawal of the rejections are respectfully requested. It is submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
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By his Attorney,

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